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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,453	07/21/2003	Ming-Tien Yeh	AP3037-UAW2AB02	3107

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EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,453

Applicant(s)

YEH, MING-TIEN

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

[1] Claim 1 is pending.

Specification

[2] The disclosure is objected to because of the following informalities:

The sentence in line 4, on page 5, beginning with, "The function of the strips 112 causes..." First, the number 112 is incorrect since it is observed that the strips are labeled as a different number earlier in the specification, not to mention that 112 is also not shown on any of the diagrams. Secondly, the statement, "and thus not to break the wall of the hammer nail 2" is considered not clear since it is understood that the wall nail casing 3 will not be broken; not the wall of the hammer nail 2.

Also, the last two headings of the specification (description of the drawings, etc.) are not submitted in bold as the previous three headings (Field of the invention, etc.).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

[3] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[4] Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bustos et al., U.S. Patent 4,708,552.

Bustos et al. teaches of an expansible mounting assembly including both an anchor with axial bore and nail for insertion thereof.

As for Claim 1, Bustos et al. discloses a expansible mounting assembly comprising a wall nail casing (36 in Fig. 1) and a hammer nail (34 in Fig. 1) capable of being beaten into the wall nail casing (Fig. 3); a center of the wall nail casing being formed with a tapered central axial hole (42 in Fig. 3) at one end of the wall nail casing; two sides of another end of the wall nail casing being formed with an expandable slot (44 in Fig. 1); a through hole is formed within the wall nail casing and being

communicable to the central axial hole so that the whole wall nail casing is hollowed axially (42 in Fig. 2); characterized in that:

a head of the wall nail casing penetrating by the central axial hole is formed with a tapered throat portion (42 in Fig. 1);

a plurality of semi-round strips are axially installed at a section of the through hole of the wall nail casing near the central hole and far away from the head portion; each strip is reduced with the distance to the head portion (52 in Fig. 3).

As for the last paragraph of Claim 1, as stated below, the examiner notes that the terms, "wherein after," "will be," and "when using" are all considered examples of intended use, which do not provide for any further structural limitations within Claim 1.

"wherein after the hammer nail is beaten into the wall nail casing, the hammer nail will be buckled by the strips protruded from a wall of the central axial hole; the hammer nail is positioned in the wall nail casing and resists against the strips; thereby, the hammer nail is loosely fixed to the strips so that in selling, the hammer nail fixed to the wall nail casing is sold together with the wall nail casing; thereby, the hammer nail is sold with a matched wall nail casing; when using, the hammer nail is not necessary to be detached from the wall nail casing; the user can beat the hammer nail directly with the wall nail casing so that the hammer nail and wall nail casing are fixed to an object together".

Conclusion

[5] Applicant is advised that the following prior art also reads onto the listed limitations as set forth in the claim of this application: Ptak, U.S. Patent 3,765,295; Dorgnon, U.S. Patent 4,050,344; and Girkin et al., 5,221,167.

Lastly, other prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Kaneko et al., U.S. Patent 5,030,051; Baker, U.S. Patent 3,691,924; Schmidt et al., U.S. Patent 5,540,528; Hoene, U.S. Patent 5,779,415; Giannuzzi et al., U.S. Patent 5,575,600; Pliml, Jr., U.S. Patent 6,324,731; Combette et al., U.S. Patent 4,182,218; Crawford, U.S. Patent 4,917,552.

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,
David Reese
Assistant Examiner
Art Unit 3677



ROBERT J. SANDY
PRIMARY EXAMINER